

01  
02  
03  
04  
05  
06  
07 UNITED STATES DISTRICT COURT  
08 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09 MICHAEL WYLES, )  
10 Plaintiff, ) Case No. C08-1395-TSZ  
11 v. )  
12 MICHAEL J. ASTRUE, Commissioner, ) ORDER DISMISSING CASE  
Social Security Administration, )  
13 Defendant. )  
14 \_\_\_\_\_ )

15 The Court, after careful consideration of the plaintiff's complaint, the parties' briefs,  
16 all papers and exhibits filed in support and opposition thereto, the Report and  
17 Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and  
18 the balance of the record, does hereby find and ORDER:

19 (1) The Court adopts the Report and Recommendation with the following  
20 modification: The ALJ did not implicitly reject Dr. Washburn's severity limitation  
21 determination in the first and second evaluation based on the plaintiff's credibility problems.  
22 Rather than reject the severity limitation in the three evaluations, the ALJ determined that the  
23 severity limitation was not disabling in light of Dr. Washburn's opinion that the plaintiff  
24 could work if stabilized on medication.

25 (2) The final decision of the Commissioner is AFFIRMED, and this case is  
26 DISMISSED with prejudice.

(3) The Clerk of Court is directed to send copies of this Order to the parties and to Judge Donohue.

DATED this 6th day of July, 2009.

Thomas S Zilly

Thomas S. Zilly  
United States District Judge